

No. 23-35518

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

PLANNED PARENTHOOD GREAT NORTHWEST, HAWAII, ALASKA, ET AL.,
Plaintiffs-Appellees,

v.

RAÚL LABRADOR, ET AL.,
Defendant-Appellant,

On Appeal from the United States District Court
for the District of Idaho

No. 1:23-cv-00142-BLW
The Honorable B. Lynn Winmill

MOTION FOR EXTENSION OF TIME TO FILE REPLY BRIEF

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Appellant seeks a nine-day extension of time to file his reply brief. *See* 9th Cir. R. 31-2.2(b); *see also* Dkt. 2 (requiring extension requests by motion). Appellant filed his opening brief on August 29, 2023. *See* Dkt. 23-1. Appellees filed their answering brief on September 26, 2023. *See* Dkt. 34-1. Under the Court’s order, Dkt. 2, Appellant’s reply brief would currently be due Tuesday, October 17, 2023—no extensions have been previously granted. Appellant requests that he be permitted until Thursday, October 26, 2023 to file his reply brief.

The extension is necessary to accommodate recent staffing changes within the Office of the Attorney General, and a Ninth Circuit ordered response to an emergency motion in another matter. The now-former Solicitor General, Theodore J. Wold, left the Office on Friday, October 6. As a result, Mr. Turner, an attorney in this matter, has assumed the role as Acting Solicitor General and taken on additional responsibilities as a result of that transition. Additionally, on Friday, October 6, Lincoln Davis Wilson, former Division Chief of the Civil Litigation and Constitutional Defense Division, and an attorney in this matter, left the Office. And the remaining attorney for Appellant, Deputy Attorney General Brian V. Church, was on a pre-planned vacation October 2-10, 2023. Additionally, counsel for Appellant were ordered by the Ninth Circuit on Saturday, September 30, 2023, to file a response to an emergency motion for en banc review of a decision by the morning of Wednesday, October 4, 2023, and so had to devote time and effort to that matter. *See United States v. Idaho*, No. 23-35440

(consolidated with 23-35450). Lastly, Mr. Turner is arguing another matter before a panel of this Court on Monday, October 16.

Appellant has exercised diligence in preparing his reply and will file it no later than Thursday, October 26. Appellant is not aware of any default by the court reporter regarding transcripts, as the parties have filed Excerpts of Record and Supplemental Excerpts of Record. *See* Dkts. 24-2 through 24-5, 35. Appellant's counsel contacted Appellees' counsel, who informed Appellant's counsel that they do *not* object to this request.

For these reasons, the Court should grant the 9-day extension requested by Appellant for him to file his reply brief no later than Thursday, October 26.

Respectfully submitted,

October 10, 2023.

HON. RAÚL R. LABRADOR
Attorney General

/s/ *Brian V. Church*

JOSHUA N. TURNER
Acting Solicitor General
BRIAN V. CHURCH
Deputy Attorney General

Attorneys for Appellant

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing/attached documents on this date with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit using the Appellate Electronic Filing system.

Description of Documents:

Appellant's Motion for Extension of Time to File Reply Brief

/s/ *Brian V. Church*
BRIAN V. CHURCH

October 10, 2023